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10 NETWORK APPLIANCE, INC.,

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION
14

15 NETWORK APPLIANCE, INC.

16 Plaintiff-Counterclaim Defendant,

17 v.
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19 SUN MICROSYSTEMS, INC.

20 Defendant-Counterclaim Plaintiff.
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Case No. C-07-06053 EDL

**PROOF OF SERVICE BY HAND
DELIVERY**

PROOF OF SERVICE

I declare that I am employed with the law firm of Weil, Gotshal & Manges LLP, whose address is 201 Redwood Shores Parkway, Redwood Shores, California 94065-1175 (hereinafter "WGM"). I am not a party to the within cause, and I am over the age of eighteen years. I further declare that on April 29, 2008, I served a copy of:

1. **PLAINTIFF NETAPP, INC.'S OPPOSITION TO DEFENDANT SUN MICROSYSTEMS, INC.'S MOTION FOR PARTIAL STAY, HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY DOCUMENT SUBMITTED UNDER SEAL; and**
2. **DECLARATION OF DAVID HITZ IN SUPPORT OF NETAPP, INC.'S OPPOSITON TO DEFENDANT SUN MICROSYSTEMS, INC.'S MOTION FOR PARTIAL STAY, HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY, DOCUMENT SUBMITTED UNDER SEAL.**

☐ **BY U.S. MAIL** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, addressed as follows, for collection and mailing at WGM in accordance with WGM's ordinary business practices. I am readily familiar with WGM's practice for collection and processing of mail, and know that in the ordinary course of WGM's business practice that the document(s) described above will be deposited with the U.S. Postal Service on the same date as sworn to below.

☐ **BY FACSIMILE** by sending a true copy from WGM's facsimile transmission telephone number of 650-802-3100 to the fax number(s) set forth in the service list below. The transmission was reported as complete and without error. The transmission report was properly issued by the transmitting facsimile machine. I have attached to the original papers being filed with the Court a copy of the transmission report.

☐ **BY ELECTRONIC SERVICE** by electronically mailing a true and correct copy through WGM's electronic mail system to the email address(es) set forth in the service list below.

☐ **BY OVERNIGHT DELIVERY** by placing a true copy thereof enclosed in a sealed envelope with overnight delivery fees provided for, addressed as follows, for collection by Federal Express at WGM in accordance with WGM's ordinary business practices. I am readily familiar with WGM's practice for collection and processing of correspondence for overnight delivery and know that in the ordinary course of WGM's business practice the document(s) described above will be deposited by an employee or agent of WGM in a box or other facility regularly maintained by Federal Express for collection on the same day that the document(s) are placed at WGM.

1 ☒ **BY PERSONAL SERVICE** by placing a true copy thereof enclosed in a
2 sealed envelope to be delivered by messenger to the offices of the addressee(s) (and left with an
3 employee or person in charge of addressee's office), as stated below, during ordinary business
4 hours on April 29, 2008.

4 **Christine Kerba Corbett**
5 **DLA Piper US LLP**
6 **2000 University Avenue**
7 **East Palo Alto, CA 94303**
8 **T: 650-833-2000**
9 **F: 650-833-2001**

☐ by U.S. Mail
☐ by fax
☐ by email
☐ by overnight delivery
☒ by hand

10 *Attorneys for Sun Microsystems, Inc.*

11 Executed on April 29, 2008 at Redwood Shores, California. I declare under
12 penalty of perjury under the laws of the State of California that the foregoing is true and correct.
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